

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

FAWAD KHAN,)	
)	
Petitioner,)	
)	
vs.)	Case No. 09-CV-479-GKF-TLW
)	
STANLEY GLANZ, Sheriff;)	
NURIA T. PRENDES, ICE Field Office Dir.;)	
JANET NAPOLITANO, Sec., Dep't of)	
Homeland Security; and)	
ERIC HOLDER, Attorney General of)	
the United States,)	
)	
Respondents.)	

OPINION AND ORDER

On July 22, 2009, Petitioner Fawad Khan, appearing *pro se*, filed a 28 U.S.C. § 2241 petition for writ of habeas corpus (Dkt. # 1). When he filed his petition, Petitioner was in custody of U.S. Immigration and Customs Enforcement ("ICE") at the David L. Moss Criminal Justice Center, Tulsa, Oklahoma. He alleged that he is being illegally detained and seeks release from ICE custody.

Respondents filed a response to the petition and motion to dismiss (Dkt. #s 10 and 11), asserting that this action should be dismissed because petitioner fails to establish a *prima facie* claim for relief under Zadvydas v. Davis, 533 U.S. 678, 701 (2001). Petitioner filed a response to respondents' motion to dismiss (Dkt. # 12). Respondents filed a reply (Dkt. # 13) to petitioner's response.

On December 3, 2009, respondents filed a "Notice to Court of Petitioner's Release from Detention" (Dkt.# 14). Respondents state that petitioner was released from detention on November

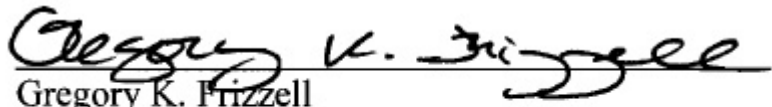
24, 2009, pursuant to a custody review conducted by the ICE Field Office in Dallas, Texas. In support of their notice, respondents provide a Memorandum (Dkt. # 14, Ex. 1) from Charnel Dean Wright, Deportation Officer, to Pablo Campos, Deputy Field Office Director. The Memorandum reflects approval by Mr. Campos of the recommendation that petitioner be released from ICE custody and placed under supervision.

Based on respondents' representation that petitioner has been released from detention, the Court finds petitioner's 28 U.S.C. § 2241 petition for writ of habeas corpus seeking release from detention has been rendered moot.

ACCORDINGLY, IT IS HEREBY ORDERED that:

1. The petition for writ of habeas corpus (Dkt. # 1) is **declared moot**.
2. Respondents' motion to dismiss (Dkt. # 11) is **declared moot**.
3. This is a final order terminating this action.

DATED THIS 31st day of March, 2010.


Gregory K. Frizzell
United States District Judge
Northern District of Oklahoma